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November 15, 2018

VIA ECF AND ELECTRONIC MAIL

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Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, New York 10004-1408
Bernstein.chambers@nysb.uscourts.gov

Re: *Picard v. Carol Nelson*, Adv. Pro. No. 10-04658 (SMB);
Picard v. Carol Nelson, et al., Adv. Pro. No. 10-04377 (SMB)

Dear Judge Bernstein:

We are counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* and the estate of Bernard L. Madoff. We write to request a conference in the above referenced adversary proceedings to set trial dates for Adv. Pro. No. 10-04377, *Picard v. Carol Nelson, et al.*

During the October 10, 2018, Pre-Trial Conference in the above referenced adversary proceedings, when discussing availability, counsel for Defendants stated that “[t]he whole month of May is free,”¹ Counsel for the Trustee did not have information about witness availability for May. Therefore, Your Honor directed the Trustee’s counsel to “get back to your witnesses with available dates in May” and then, if the parties were unable to agree on trial dates, to inform the Court and schedule a conference.²

Counsel for the parties have agreed to set trial for Adversary Proceeding No. 10-04658, involving Defendant Carol Nelson, for a trial to begin on May 8, 2019. However, the parties are not able to agree upon dates in May for trial in Adversary Proceeding No. 10-04377, involving both Carol Nelson and her husband, Stanley Nelson. Ms. Chaitman has refused to provide other dates in May or to agree to a consolidated trial of the two adversary proceedings, which involve the same parties, witnesses and legal issues, to begin on May 8, 2019, in order to minimize the

¹ Transcript of Oct. 10, 2018 Pre-Trial Conference, Dkt. 104 at p. 7, ll. 5-7.

² *Id.* at p. 10, ll. 10-14

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impact to the parties and the Court.³ Therefore, we are requesting a conference to determine whether or not the adversary proceedings should be consolidated for purposes of trial and to schedule a trial date for Adversary Proceeding 10-04377.

Respectfully submitted,

/s/ Dean D. Hunt

Dean D. Hunt

Enclosures

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³ See email correspondence between Mr. Hunt and Ms. Chaitman between October 24 and November 12, 2018, a true and accurate copy of which is attached hereto as Exhibit A.